

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WISCONSIN

SERVICIOS TECNOLOGICOS de
GUATEMALA, SA,

Plaintiff,

v.

Case No.: 13-cv-601

WOCCU SERVICES GROUP, INC.,

Defendant.

ORDER

The parties appeared before the Court by telephone on August 6 and 15, 2014, on Defendant's Second Motion to Compel. Plaintiff Servicios Technologicos de Guatemala S.A. ("ServiTech") appeared by its counsel Kenneth B. Axe and Richard L. Bolton, and Defendant WOCCU Services Group, Inc. ("WOCCU") appeared by its counsel Thomas P. Heneghan, Jordan C. Corning and Benjamin W. Dyer. The Motion was fully briefed, and the Court heard from the parties.

IT IS HEREBY ORDERED that Defendant's Second Motion to Compel is hereby granted, and ServiTech is ordered to do the following:

1. ServiTech shall make direct inquiry of each of its employees regarding the existence of any documents responsive to any of WSG's previous discovery requests in any form and, if in electronic form, on any device of any type. ServiTech shall then produce responsive documents within 14 days of this Order, along with a detailed explanation of specific steps taken to satisfy this paragraph 1.

2. ServiTech shall make direct inquiry of the entity it described in the July 17, 2014 Declaration of Ricardo Nicolas Martinez Rivadeneira as the “third party [it uses] to receive its e-mails” and any other entity with which it contracts for IT services regarding performing a search of all documents and communications made by ServiTech at any time that are responsive to any of WSG’s previous discovery requests and collect any documents or communications identified in the search. ServiTech shall then produce the responsive documents within 14 days of this Order, along with a detailed explanation of specific steps taken to satisfy this paragraph 2.

3. ServiTech shall produce a complete copy of the EVENTUM system, any associated database and all documents and communications related to the EVENTUM system, whether in ServiTech’s possession or the possession of Datacarrier, S.A. (“Datacarrier”), within 7 days of this Order, along with a detailed explanation of specific steps taken to satisfy this paragraph 3.

4. ServiTech shall produce any documents or things responsive to any of WSG’s prior discovery requests that are in the possession of Datacarrier within 7 days, along with a detailed explanation of specific steps taken to satisfy this paragraph 4.

5. ServiTech shall provide a detailed description of all steps taken by it to preserve documents in any format that are either relevant to, or likely to lead to the discovery of admissible evidence of, any claim asserted in this case. ServiTech shall provide the information responsive to this paragraph 5 within 7 days.

6. ServiTech shall make the following individuals available for deposition within 14 days of the passage of all deadlines contained in paragraph 1-5, above:

a) ServiTech, pursuant to FRCP 30(b)(6) in Madison, Wisconsin, and subject to deposition topics to be provided by WSG;

- b) Enrique Gamboa, where he resides; and
- c) Byron A.J. Calon, a/k/a Bryon Ajcalon, where he resides;

If ServiTech cannot or will not produce any of these individuals for deposition as described above, it shall provide a detailed explanation for its refusal or inability to do so within 14 days of this Order.

Further, as the Court found in its docket entry (ECF No. 72) of August 7, 2014, costs will be shifted as a result of the grant of WSG's Motions to Compel. WSG shall file its fee petition, with supporting documentation, by August 22, 2014. ServiTech shall file its response to WSG's fee petition by August 29, 2014.

SO ORDERED:

 8-18-14

Magistrate Judge Stephen L. Crocker